

**Notice of Allowability**

Application No.

10/772,819

Examiner

Taylor Victor Oh

Applicant(s)

LIN ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/22/07.
2. ☒ The allowed claim(s) is/are 1-2,4-12,14-22,24-29,31-36,38-44, renumbered as claims 1-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>3/12/07</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|  | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> .                                |

Continuation of Attachment(s) 9. Other: the drawings filed on 2/05/04 are accepted by the examiner..

**Examiner's Amendment and Reasons of Allowance**

**The Status of Claims**

Claims 1-2 , 4-12, 14-22, 24-29, 31-36, and 38-44 are pending.

Claims 1-2 , 4-12, 14-22, 24-29, 31-36, and 38-44 are allowed.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with an attorney of record, Mr. Steven A. Owen on 3/12/07 .

I. The application has been amended as follows:

In claim 4, line 1 on page 2 (amendment dated on 2/22/07):

The term “ -- claim 1, 2 or 3 --” before the word “ wherein” is replaced with “claim 1 or 2 ”.

In claim 6, line 1 on page 2 (amendment dated on 2/22/07):

The term “ -- claim 1, 2 or 3 --” before the word “ wherein” is replaced with “claim 1 or 2 ”.

In claim 14, line 1 on page 4 (amendment dated on 2/22/07):

The term “ -- claim 11, 12 or 13 --” before the word “ wherein” is replaced with “claim 11 or 12 ”.

In claim 16, line 1 on page 4 (amendment dated on 2/22/07):

The term “ -- claim 11, 12 or 13 --” before the word “ wherein” is replaced with “claim 11 or 12 ”.

In claim 31, line 1 on page 7 (amendment dated on 2/22/07):

The term “ -- claim 28, 29 or 30 --” before the word “ wherein” is replaced with “claim 28 or 29 ”.

In claim 38, line 1 on page 9 (amendment dated on 2/22/07):

The term “ -- claim 35, 36 or 37 --” before the word “ wherein” is replaced with “claim 35 or 36 ”.

In claim 40, line 1 on page 9 (amendment dated on 2/22/07):

The term “ -- claim 35, 36 or 37 --” before the word “ wherein” is replaced with “claim 35 or 36 ”.

II. The following is an examiner's statement of reasons for allowance:

- The rejection of Claims 1, 3-11,13-21,23-28,30-35, and 37-44 under 35 U.S.C. 112, second paragraph, has been withdrawn due to the modification of the claims in the amendment.
- The closest prior art is Graham et al (WO 02/06201A1).

Graham et al discloses the process of preparing an aromatic carboxylic acid in the presence of a catalyst and one or more precursors of the aromatic carboxylic acid with an oxidant in an aqueous solvent comprising water under supercritical conditions

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by raising high pressure steam fed to the a high efficiency condensing steam turbine to recover power.

The instant invention, however, differs from the prior art in that the claimed process compresses the low pressure steam to the intermediate pressure steam with a pressure range from 50 to 260 psig; the claimed steam ejector has a compression ratio of 1.2 to 2.0; furthermore, there is no motivation of compressing the low pressure steam to the intermediate pressure steam with a pressure range from 50 to 260 psig in the prior art in order to recover the thermal energy. Therefore, the claimed process and the prior art process are completely different from each other. In addition, unless all limitations of the claims are met, there is no prior art rejection. See In re Zurko 59 USPQ 2d 1690 (Fed Cir. 1991) and In re Lee, 61 USPQ 1430 (Fed Cir. 1991).

Therefore, the claimed invention would not have been obvious to the person with an ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the communication after allowance such as sending all post-allowance correspondence should be directed to "Box Issue Fee" or faxed directly to PUBS at 703-305-8755. This will expedite the process of these papers.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TAYLOR VICTOR OH  
PRIMARY EXAMINER

3/12/07